

SENATE BILL No. 225

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-1-2-1; IC 5-10-6-2; IC 20-33-3-30; IC 22-2-13; IC 22-9-5.5; IC 34-30-2.

Synopsis: Breastfeeding in the workplace. Provides that the state, political subdivisions, and other employers that employ one or more individuals shall provide for reasonable paid breaks for an employee to express breast milk for the employee's infant child. Provides that the state, political subdivisions, and other employers must make reasonable efforts to provide a room or other location in close proximity to the work area where the employee can express the employee's breast milk in privacy. Provides that the state, political subdivisions, and other employers must make reasonable efforts to provide for a refrigerator or other cold storage for keeping breast milk that has been expressed. Makes it a discriminatory practice for an employer to discriminate against an employee who breastfeeds or expresses milk during a regularly scheduled lunch break or other break. Provides that the civil rights commission is responsible for investigating allegations that an employee has been discriminated against for breastfeeding or expressing milk during a regularly scheduled lunch break or other break.

Effective: July 1, 2007.

Simpson

January 11, 2007, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

SENATE BILL No. 225

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-1-2-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2007]: Sec. 1. It is the intent of this chapter that
3 state offices be open and able to conduct public business at all times
4 during an eight and one-half (8 1/2) hour working day. Each employee
5 shall work for a full seven and one-half (7 1/2) hours each working day
6 and provision for a one (1) hour lunch period shall be provided each
7 employee. Lunch hours of employees shall be staggered to permit the
8 conduct of business at all times during a working day. **Breaks shall be**
9 **provided as set forth in IC 5-10-6-2.** It shall be lawful for state offices
10 to close their doors for business from the close of the working day each
11 Friday or in the event Friday is a legal holiday, then from the close of
12 the working day on the Thursday which immediately precedes such
13 legal holiday, until the commencement of the working day on the next
14 following Monday, or in the event Monday is a legal holiday, then until
15 the commencement of the working day on the Tuesday which
16 immediately follows such legal holiday; provided, however, that the
17 state library may be kept open until noon Saturdays in the discretion of

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the Indiana library and historical board.

SECTION 2. IC 5-10-6-2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2. (a) The state and political subdivisions of the state shall provide reasonable paid break time each day to an employee who needs to express breast milk for the employee's infant child. The break time must, if possible, run concurrently with any break time already provided to the employee. The state and political subdivisions are not required to provide break time under this section if providing break time would unduly disrupt the operations of the state or political subdivisions.**

(b) The state and political subdivisions of the state shall make reasonable efforts to provide a room or other location, other than a toilet stall, in close proximity to the work area, where an employee described in subsection (a) can express the employee's breast milk in privacy. The state and political subdivisions shall make reasonable efforts to provide a refrigerator or other cold storage space for keeping milk that has been expressed. The state or a political subdivision is not liable if the state or political subdivision makes a reasonable effort to comply with this subsection.

SECTION 3. IC 20-33-3-30, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 30. (a) This section applies to occupations for which a child less than eighteen (18) years of age may be employed or allowed to work under this chapter but does not apply to children subject to:**

- (1) section 6 of this chapter; or
- (2) section 29(2) or 29(3) of this chapter.

(b) A person, firm, limited liability company, or corporation that employs a child less than eighteen (18) years of age shall provide the child one (1) or two (2) rest breaks totaling at least thirty (30) minutes if the child is scheduled to work at least six (6) consecutive hours. Breaks shall be provided as set forth in IC 5-10-6-2.

SECTION 4. IC 22-2-13 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 13. Employee Breaks

Sec. 1. For purposes of this chapter, "employer" means a person or entity that employs one (1) or more employees.

Sec. 2. An employer shall provide reasonable paid break time each day to an employee who needs to express breast milk for the

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employee's infant child. The break time must, if possible, run concurrently with any break time already provided to the employee. An employer is not required to provide break time under this section if providing break time would unduly disrupt the operations of the employer.

Sec. 3. An employer shall make reasonable efforts to provide a room or other location, other than a toilet stall, in close proximity to the work area, where an employee described in section 2 of this chapter can express the employee's breast milk in privacy. An employer shall make reasonable efforts to provide a refrigerator or other cold storage space for keeping milk that has been expressed. The employer is not liable if the employer makes a reasonable effort to comply with this section.

SECTION 5. IC 22-9-5.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 5.5. Employment Discrimination Against Women Expressing Milk or Breastfeeding During Lunch or Other Breaks

Sec. 1. As used in this chapter, "commission" means the civil rights commission created by IC 22-9-1-4.

Sec. 2. As used in this chapter, "discriminate" includes the following:

- (1) Limiting, segregating, or classifying a job applicant or an employee in a way that adversely affects the opportunities or status of the applicant or employee.
- (2) Participating in a contractual or another arrangement or relationship that has the effect of subjecting a qualified applicant or employee to the discrimination prohibited by this chapter. A relationship under this chapter includes a relationship with:
 - (A) an employment or a referral agency;
 - (B) a labor union;
 - (C) an organization providing fringe benefits to an employee of the covered entity; or
 - (D) an organization providing training and apprenticeship programs.
- (3) Using standards, criteria, or methods of administration:
 - (A) that have the effect of discrimination; or
 - (B) that perpetuate the discrimination of others who are subject to common administrative control.
- (4) Excluding or otherwise denying equal jobs or benefits to a qualified individual.

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(5) Denying employment opportunities to a job applicant or an employee who is an otherwise qualified individual.

Sec. 3. (a) As used in this chapter, "employee" means any person employed by another for wages or salary.

(b) The term does not include any individual employed:

(1) by the individual's parent, spouse, or child; or

(2) in the domestic service of any person.

Sec. 4. (a) As used in this chapter, "employer" means the state or any political or civil subdivision thereof and any person employing six (6) or more persons within the state.

(b) The term "employer" does not include:

(1) any nonprofit corporation or association organized exclusively for fraternal or religious purposes;

(2) any school, educational institution, or charitable religious institution owned or conducted by or affiliated with a church or religious institution; or

(3) any exclusively social club, corporation, or association that is not organized for profit.

Sec. 5. An employer may not discriminate against an employee in the workplace for expressing milk or breastfeeding during:

(1) lunch breaks; or

(2) other regularly scheduled breaks.

Sec. 6. The commission shall investigate all complaints filed under this chapter. The remedies available regarding complaints directed against a covered entity under this chapter are limited to the remedies provided under IC 22-9-1-6(k).

SECTION 6. IC 34-30-2-11.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11.5. IC 5-10-6-2 (Concerning employee breaks for nursing mothers).

SECTION 7. IC 34-30-2-87.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 87.5. IC 22-2-13-3 (Concerning employee breaks for nursing mothers).

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